

## **REMARKS**

Claims 1, 8, 9, and 15 have been amended. Therefore, claims 1-20 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 103(a) Rejection:**

The Examiner rejected claims 1, 2, 5-10, 13-16 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Kampe, et al. (U.S. Publication 2002/0032883) (hereinafter “Kampe”) in view of Raman, et al. (U.S. Publication 2003/0217119) (hereinafter “Raman”), claims 3, 11 and 17 as being unpatentable over Kampe in view of Raman and further in view of Ishihara, et al. (U.S. Patent 6,636,876) (hereinafter “Ishihara”) and claims 4, 12 and 18 as being unpatentable over Kampe in view of Faman and further in view of AAPA.

**Regarding claim 1, Kampe in view of Raman fails to teach or suggest loading new data to the database clone, wherein said load updates the storage checkpoint, wherein the new data is new with respect to the production database.** With respect to this feature, the Examiner relies on Kampe. First, Applicants note that Kampe teaches a system for maintaining replicas of a primary component on nodes (via checkpointing) for achieving high availability in a cluster (see paragraph [0013]). Thus, Kampe is particularly directed towards achieving high availability of a component (in the case of failover) in a cluster rather than loading new data into a production database. For example, in Kampe, paragraph [0064] (which the Examiner relies on for switching from the previous file system data of the production database to the storage checkpoint to be the file system data for the production database), various failover scenarios are discussed where a primary component PC1 fails and the checkpoint is used to recreate the last consistent state of the primary component (either on the first node or on a second node). Thus, in Kampe, checkpoints are used to maintain the current state (or information for

recovery) of a component on the first node, and are not used to load new data (with respect to the production database) into a production database using a database clone.

Applicants note that the Examiner specifically cites “(504)” for this limitation without any further explanation. 504 is a block in Figure 4A of Kampe which states “continuously update checkpoint”. Thus, 504 relates to maintaining the checkpoint with respect to the current state of the primary component. There is no indication in this Figure or anywhere else (in Kampe or Raman) which relates to loading new data to the database clone, wherein the new data is new with respect to the production database. Using checkpoints to maintain a current state (or backup of a current state) does not relate to loading new information into a database clone (or checkpoint) which is new with respect to the production database (or, using the Examiner’s citation, the primary component of Kampe). Thus, claim 1 relates to loading data, which did not previously exist in the production database, into a database clone / checkpoint, and then using the file system data of the checkpoint as the file system data of the production database (thereby loading the new data into the production database). Neither Kampe nor Raman (singly or in combination) teach these features of claim 1. Instead, as indicated above, Kampe maintains a current state of the primary component for failover purposes and does not load new information with respect to the primary component. Applicants further note that loading new data (as recited in Applicants’ claims) into the checkpoints of Kampe would teach away from the purpose of high availability in a cluster since the replica / checkpoint would no longer represent the current state of the primary component. Thus, the cited references do not teach or suggest **loading new data to the database clone, wherein said load updates the storage checkpoint, wherein the new data is new with respect to the production database**.

**Furthermore, the Examiner has failed to provide a proper motivation or reason to combine to the two references.** In the instant Office Action, the Examiner asserts it would have been obvious to modify Kampe, “to improve accessibility for file system data, as known to one of ordinary skill in the art and taught by Raman (para. 0049)”. The Examiner has not provided any motivation or reason to make the specific

combination and instead has merely provided a portion of Raman which describes a method for providing copies of consistent file systems with concurrent read-write updating of the file system. There is no indication in this section (or in the Examiner's provided motivation) as to why the maintaining of file systems as taught by Raman applies to the "primary component" of Kampe. More specifically, the cited portion does not relate to a "production database", the accessibility of a production database during the load of new data, or any reason to include such features in Kampe as alleged by the Examiner. Instead, Raman teaches that updates may be made over an IP network, and that concurrent read-only access to the remote copies is available.

Thus, for at least the reasons provided above, Applicant submits that Kampe and Raman, taken singly or in combination, fail to teach all the features and limitations of claim 1, and so Applicant submits that claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Claims 8, 9, and 15 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons provided above, Applicant submits that claims 8, 9, and 15, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-12400/RCK.

Respectfully submitted,

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